

# **EXHIBIT C**

**Dalton, Amy**

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**From:** Cooper, Monte  
**Sent:** Friday, July 15, 2011 10:40 PM  
**To:** Scott A. Bursor; L. Timothy Fisher; Sarah Westcot  
**Cc:** Chatterjee, Neel; Sutton, Theresa A.; Metanat, Morvarid; Dalton, Amy; Mudurian, Karen N.; Ortiz, Marilyn  
**Subject:** RE: Facebook v. Power, July 6, 2011 Meet and Confer letters  
**Attachments:** DOC001.pdf; 2011 07 14 (116) Court Order Granting Motion to Continue.pdf

Scott and Tim:

Attached is a copy of the Amended Notice of Deposition for Steve Vachani, scheduling it for next Wednesday, July 20 at your offices in New York. However, I also attach the Order granting Facebook's Motion to Continue entered by Judge Ware yesterday which will significantly impact the separate Rule 30(b)(6) Deposition of Power Ventures. As you can see (and no doubt know), Chief Judge Ware granted Facebook's motion for 'good cause' over Power's objections precisely because he noted that Facebook has not received Power's source code. We believe that renders moot the pending motion to compel concerning whether Power must produce the source code that was, until yesterday, before Magistrate Judge Lloyd. We don't believe there is any way that Power can continue to argue that it may withhold the source code in light of Chief Judge Ware's Order, when the Court has now extended all deadlines – including the hearing date for the motion for summary judgment – to accommodate Facebook's need to obtain Power's software.

As you also certainly are aware, Chief Judge Ware in a separate Order entered yesterday withdrew the former order of reference to Magistrate Judge Lloyd in the Facebook/Power litigation, and ordered the parties to instead file a joint status report by July 29 on the status of any pending disputes. Please advise whether Power will continue to contest whether Facebook is entitled to Power's source code.

We are not going to schedule Power Venture's Rule 30(b)(6) deposition until after Facebook receives Power's source code and the related missing technical information, or the pending discovery dispute (and the others we also are scheduled to discuss during the meet and confer following the deposition on Wednesday) are resolved. If Power continues to refuse to produce the discovery, we will need to bring the pending motion to Chief Judge Ware's immediate attention through the Joint Status Report he has directed the parties to file. We also anticipate that if Power refuses to produce the source code that Facebook will file a Rule 56(f) motion, and may seek (to the extent necessary) further relief from the Court on that issue as well as the other discovery disputes.

I am still anticipating flying to New York next week for Mr. Vachani's deposition. However, to the extent that Mr. Vachani may ultimately also be designated by Power as its Rule 30(b)(6) deposition on one or more of the topics, please be advised that will necessitate that we know in advance what dates he will be available as the Rule 30(b)(6) witness in either August or September. As a courtesy, I hope to send you a copy of the Rule 30(b)(6) Notice by the end of the weekend, so you can determine whether Mr. Vachani will in fact need to be the company's witness on any of the Topics. It is my understanding that Power expected to offer him as a witness at least on the topics directed to Power's document collection efforts.

Given Chief Judge Ware's Order, I hope we can resolve at least the source code issue immediately, and perhaps begin the process of determining when the Rule 30(b)(6) deposition can be scheduled. Please let us know what is Power's position. As noted, I expect to forward you the Rule 30(b)(6) Notice by the end of the weekend.

Monte

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**From:** Scott A. Bursor [mailto:scott@bursor.com]  
**Sent:** Thursday, July 14, 2011 12:04 PM

**To:** Cooper, Monte  
**Cc:** L. Timothy Fisher; Sarah Westcot; Scott A Bursor  
**Subject:** Re: Facebook v. Power, July 6, 2011 Meet and Confer letters

Monte:

We are confirmed for July 20, 9am at my office, for Mr. Vachani's deposition. Please serve a revised deposition notice with that date and time.

--Scott

On Tue, Jul 12, 2011 at 6:15 PM, Cooper, Monte <[mcooper@orrick.com](mailto:mcooper@orrick.com)> wrote:

Tim:

Further to my two earlier emails, Neel Chatterjee will be on vacation the next two weeks. In light of your unavailability this week for the requested meet-and-confer, and assuming that the deposition of Mr. Vachani goes forward on July 19 (or anytime else during which Neel is out of town), would you kindly advise whether you will agree to waive the requirement in Magistrate Judge Lloyd's June 3, 2011 Standing Order requiring that lead counsel appear for the face-to-face the meet-and-confer requested by Bahar that is discussed in your letter of today, and also referenced in your email below?

Thank you,

Monte

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**From:** L. Timothy Fisher [mailto:[ltfisher@bursor.com](mailto:ltfisher@bursor.com)]  
**Sent:** Tuesday, July 12, 2011 3:00 PM  
**To:** Metanat, Morvarid  
**Cc:** Scott A. Bursor; Sutton, Theresa A.; Dalton, Amy; Mudurian, Karen N.; Cooper, Monte  
**Subject:** Re: Facebook v. Power, July 6, 2011 Meet and Confer letters

Dear Bahar,

Attached please find a response to your 7/6/11 meet and confer letters.

As for a meeting to discuss the responses, I am on vacation and unavailable the rest of this week. I would suggest that any such meeting occur in New York on Tuesday, July 19 following Mr. Vachani's deposition. We

have yet to hear back from you as to whether Facebook will agree to take the deposition on that date. Please confirm that Facebook will take the deposition on that date.

Tim

--

L. Timothy Fisher

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On Mon, Jul 11, 2011 at 5:50 PM, Metanat, Morvarid <[mmetanat@orrick.com](mailto:mmetanat@orrick.com)> wrote:

Tim,

As you are aware, on July 6, 2011, Facebook sent you two meet and confer letters regarding Defendants' insufficient responses to Facebook's Second Set of Requests for Production on Defendant Power, and First Set of Requests for Production on Defendant Vachani. It is now July 11<sup>th</sup> and we have yet to receive any response from you. Given your failure to communicate regarding these outstanding discovery issues, we would like to request an in-person meeting with you or Scott pursuant to Judge Lloyd's Standing Order re Discovery Disputes No. 2(C). Please provide us with your or Scott's availability for this week so that we may work towards resolution of these issues.

Morvarid

  
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